REMARKS

The non-final Office Action issued August 4, 2008, has been carefully considered and these remarks are responsive thereto. The Examiner has objected to claim 11 for failing to refer to a claim on which it depends. This error has been corrected. While the Examiner has objected to claim 24, Applicants believe that the Examiner is referring to new claim 26 which contained "five" rather than a numerical representation of the claim. This error has also been corrected. Consequently, Applicants believe that they have overcome the objections to the claims and respectfully requests that the Examiner's objections be withdrawn.

The Examiner then describes a rejection of claims 1-21; (Applicants believe that the Examiner intended to reject all pending claims 1-27) as anticipated by Luo, U. S. Pub. No. 20030169712 (hereinafter Luo).

The undersigned counsel must respectfully traverse the Examiner's anticipation rejection and sets forth below what Applicants believe to be *Graham v. Diehr* factors or differences between the present claims as amended, as will be discussed further below, and what Luo describes.

1. Luo, at Page 5, paragraph [0035], leads Applicants to believe that Luo practices a non-standard protocol by which protocol the "mobility access point" or MAP 102 communicates with a web authentication server 114 (Figure 1). Now referring to Luo FIG. 2, and paragraph [0035], at "202, the MAP sends an IAPP announcement message to the default gateway router of the WLAN and then sends a MOBILE STATE REQUEST message to the Web authentication server using the mobile host's (MH 106 of Figure 1) MAC address as the index. At this time the Web authentication server does not yet have a state record for the mobile host (106), so at 204 it creates a new state record for the mobile host. At 206, the Web authentication server inserts the mobile host's MAC address, sets the routing state to be "limited," assigns the MAP (102) as the mobile's home agent, saves the state record in its database, and sends the state record back to the MAP in a MOBILE STATE RESPONSE message. The MAP knows that it is now the mobile host's home agent from the returned state record." This Luo MOBILE STATE REQUEST communication creates a strong inference of a non-standard protocol between the Web authentication server and the MAP. Moreover, the MH's MAC address is important (if not required) for authentication.

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2. Luo, at Page 5, paragraph [0045] underscores a further distinction between Luo's Java applet, relied upon by the Examiner, and Applicant's recited ControlX/plug-in. The Luo Java applet participates in listening for authentication challenge messages: "After the Java applet is downloaded at 238, it grants networking privileges so that it can listen to a specific UDP port for AUTHENTICATION CHALLENGE messages. The Java applet shares a high-entropy secret with the Web authentication server, which can be used to generate AUTHENTICATION RESPONSE messages." As supported by the present application and as will be described further below, an ActiveX control/plug-in, when received, "reconfigures the client terminal for authentication using appropriate parameters associated with a configuration arrangement selected by a user;" (see, for example, claim 1).

3. Luo, at Page 5, paragraph [0046] requires the Java applet to be always open as it is needed to reauthenticate a user (client terminal or mobile host). "The mobile host can now use the assigned IP address during the entire session as long as it is under coverage of the WLAN. The user should always keep the small browser window open. The Java applet runs in this small browser and authenticates the user to the WLAN as the user moves from one MAP to another," (Applicants' emphasis added). A client terminal of one embodiment is configured "in response to the client terminal access information received from the client terminal," for example, as recited in claims 1 and 5 as amended, which information, according to new dependent claims 28 and 29, may be "provider selection" information.

Pending amended claims 1 and 5 have been amended to clarify that the recited "information" is "client access information" and "means for requesting . . ." has been added to claim 5. Claim 7 has been amended to recite "issuing a provider list web page and a request from the designated web server to the client terminal for provider selection information to establish an authorized communication," which feature is not described by Luo. Pending claims 10-18 have been amended to correspond to the wording used in a (amended) replacement paragraph beginning at page 7, line 13 as follows: "In the course of the communication the web server 120 indicates to client terminal 140_n information corresponding to such parameters as transmission rates (claim 10), user account creation information (claim 11), authentication method selection information (claim 12), new account creation procedures (claim 13), access user terms as conditions of acceptance (claim 14), all typically required to establish an

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authorized communication. The client terminal 140_n user responds 365, accordingly communicating web server 120, access rate information (claim 15), web server user account creation information (claim 16), user access authentication method selection information (claim 17), and user access terms and conditions of acceptance information (claim 18) required to establish an authorized communication," (Applicants' indication of claim numbers added). Claims 10-14 now depend from claim 9 and claims 15-18 depend from respective claims 10-14. It is respectfully submitted that recited establishment of an authorized communication of claims 10-20 may be suggested by Luo's statement: "new users can open accounts" at Luo paragraph [0018]. However, this statement is clearly not an enabling disclosure of claims 10-20.

Claim 21 is directed to a "mobile terminal" (not described by Luo) at least as comprising: "means for forwarding a web access request via a packet traffic filter for filtering packet traffic as a web request redirect message; means for receiving a provider list web page; means for selecting a provider and means for forwarding selected provider information to a designated web server; means for receiving an ActiveX control/plug-in from the designated web server to reconfigure said mobile terminal; and means for reconfiguring said mobile terminal and establishing authorized communications." Luo does not describe any of these means.

Claim 22 dependent on claim 1 has been significantly amended to read: "creating a plurality of operational states including a progress state and a failure state, said packet traffic filter receiving wireless local area network failure state information via a redirected client message and moves a reconfiguration process to said local web server via a web request redirect message." Claim 23 is amended similarly to claim 22, and claims 22 and 23 are supported by Zhang et al. paragraph [0020] – [0021] as amended. Claims 22 and 23 are not suggested or described by Luo.

Applicants have amended new independent claim 24 to read: "means for forwarding a web request redirect from said packet filter module to a designated web server for establishing authorized communications following receipt of selected provider information at the designated web server and successful client terminal reconfiguration responsive to authentication." Claim 24, while supported, for example, by Zhang et al. FIG. 2 is not described by Luo. New claim 31 dependent on claim 24 relates to ActiveX control/plug-in not suggested or described by Luo's Java applet which, as described above, performs differently.

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Luo discusses a RADIUS server 110 in the BACKGROUND: "requires that every user have an account at a centralized authentication server, such as a Remote Authentication Dial In User Service (RADIUS) server;" (See Luo paragraph [0013]). Luo discusses a RADIUS server supporting ZCMN at paragraph [0020] and as being responsible for network-to-user authentication and for generating session-specific keys to encrypt air traffic at paragraph [0027]. "It does not [to] enforce user-to-network authentication" which is "handled by the Web authentication server;" (Applicants note an apparent typographical error). Consequently, it is respectfully submitted that Luo teaches away from the subject matter of amended claims 25-27.

New claims 28-29 are directed, for example, at defining "information to establish client terminal access to the wireless network" of claims 1 and 5 as "provider selection information." Provider selection is not discussed in Luo. New claim 30 dependent on mobile terminal claim 21 is similar to new claim 31 and directed to ActiveX control/plug-in.

The Examiner has rejected claims 1-23 as anticipated by Luo, U.S. Publication No. 20030169713 under 35 U.S.C. 102(e). In particular, the Examiner provides a detailed *Response to Arguments* at Page 10 that primarily relates to Applicants' disagreement with the Examiner over Luo which fails to show a packet filter module, but, according to the Examiner, has "inherent features of the packet filtering function related to state information. While Applicants still urge the filter versus alleged function distinction especially in the context of the amended claims, Applicants wish to refocus the Examiner on other differences between Applicants' claims and Luo.

With respect to independent claims 1 and 5, Applicants, for example, direct attention to "requesting from the client terminal, information to establish client terminal access to the wireless network;

activating, in response to the client terminal access information received from the client terminal, a module that reconfigures the client terminal for authentication using appropriate parameters associated with a configuration arrangement selected by a user; and authenticating the reconfigured client terminal and allowing access to the wireless network in response to the authentication." (Applicants emphasis added). As discussed above, Luo operates differently. Luo's Java applet is required to be always open, always listening.

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The Examiner with respect to claims 1 and 5 points vaguely to Luo [0043] for "requesting . . .," "submitting credentials"; Luo [0018] for "activating . . ." "other accounts the user has" and Luo [0045] for the "Java applet/appropriate parameters." The Examiner also relies on Luo [0045] for "authenticating the reconfigured terminal . . ." "grant access after applet is activated" while claims 1 and 5 as amended specifically read as above and so differ from Luo.

The following are some advantages of the amended claims: use of a standard protocol, the ActiveX/plug-in does not have to be open and listening and Applicants' activating a module "in response to client terminal access information received from the client terminal," among other advantages.

At MPEP 707.(f), Examiners are encouraged to "state the reasons for his or her position in the record, preferably in the action following the assertion or argument relative to such advantages." Here, the Examiner is silent about the advantages of the present reconfiguration. Moreover, it appears as if the Examiner has lost patience with Applicants: "The Examiner tried to explain the inherent features . . ." and "applicant is advised to claim inventive features that are explicitly distinct from prior art to expedite prosecution." On the other hand, the MPEP states: "The Examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between the applicant and the examiner should be developed, if possible, before appeal."

Applicants respectfully incorporate by reference their Remarks/Arguments made in their January 18, 2008 amendment, amendment and Request for Reconsideration filed May 20, 2008, and the Remarks in their July 14, 2008 amendment.

The Examiner, having failed to make a *prima facie* case of anticipation of independent claims 1 and 5, let alone, independent claims 7, 21 and 24, Applicants respectfully request withdrawal of the anticipation rejection of the independent claims. Moreover, Applicants respectfully request serious consideration of dependent claims 2-4, 6, 8-20, 22-23 and 25-31 as reciting allowable subject matter when considered in the context of the claims on which they depend. It is respectfully submitted that the independent claims 1, 5, 7, 21 and 24 are in condition for allowance and that further features recited in dependent claims have not been shown to be anticipated by Luo, and the rejection of claims 1-27 should be withdrawn.

Claim 21

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Reconsideration of claim 21 is again respectfully requested as amended, for example, to clarify mobile terminal means, for example, means for receiving a provider list web page not described by Luo. Claim 21 is an independent claim supported, for example, by the Client 140 depicted in FIG. 1 and FIG. 2.

Claim 21 is rejected as anticipated by Luo with reference to Luo [0018] for EAP for "means for receiving an extended authentication protocol request identification message packet." At [0013], Luo discusses "Lightweight Extensible Authentication Protocol (LEAP)" and Luo states: "the user must create an account using an out-of-band method, even if he or she is within the coverage of the LAN" as a problem. Luo does not describe a specific solution to the problem aside from reference to alternative protocols.

In [0018], Luo discusses EAP-TLS or EAP-TTLS-PAP as potential authentication methods and specifically describes: "The Web-based authentication server employs a Web page for initial authentication and a Java applet (or an equivalent client-side program delivered by the Web page and installed by the user. Hereafter it is assumed to be a Java Applet for the sake of simplicity, although a binary code is preferred) for consequent authentications. In the Web page, registered users can manually, or configure their Web browsers to automatically, submit their authentication credentials. . ." Luo [0018] does not provide a discussion of "means for receiving an extended authentication protocol request identification packet," as supported by FIG. 2. The Examiner is respectfully requested to cite to support for his rejection as [0018] appears to be silent as to the "means for receiving . . ." Luo discusses EAP conditionally as one or another of EAP-TLS or EAP-TTLS-PAP. The Examiner is requested to cite to and provide a copy of a document discussing EAP in the context of claim 21 on which the Examiner relies if such a document further supports the Examiner's position.

The Examiner cites to Luo [0018] also for "forwarding an extended authentication protocol response identity message packet." The manual or automatic submission of credentials described by Luo is not described as "an extended authentication protocol response identity message packet." Again, the Examiner is respectfully requested to cite support for his rejection based on Luo or another reference.

The Examiner now cites to Luo [0023] for "means for receiving an extended authentication protocol failure message packet." It is respectfully submitted that nowhere in

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[0023] is failure mentioned, let alone, EAP failure. The Examiner appears to rely on "limited" or "blocked" states. Yet, Luo can only rectify a "limited" state which may or may not be the same as a "mobile terminal" comprising "means for receiving an extended authentication protocol failure packet." The depicted Mobile State Table 118 is a part of the MAP 102, not MH 106 which is analogous to a "mobile terminal" as recited. And so again, the Examiner is respectfully requested to cite support for his rejection based on Luo or another reference describing EAP message delivery to a MH 106. Nowhere in Luo's flowchart Figure 2 is such a receiving step suggested or described.

The Examiner now relies on Luo [0037]-[0038] for user-to-network authentication. But these paragraphs refer to a DNS query such as www.att.com and receives an IP address for a Web authentication server in the WLAN. This is not "means for receiving a provider list web page" or "means for forwarding selected provider information." Luo [0018] hardly says anything about "new users can open accounts." Moreover, an ActiveX control/plug-in may be similar to but, as recited, is not structurally or functionally equivalent to a Luo Java applet. As claim 21 states: "an ActiveX control/plug-in from the designated web server to reconfigure said mobile terminal," this is not a Luo Java applet that is downloaded and must remain open and listening and "grants some networking privileges" to generate AUTHENTICATION RESPONSE messages after it "shares a high entropy secret" with the Web authentication server. Again, the Examiner is respectfully requested to cite support for his rejection based on Luo or another reference describing EAP and an ActiveX control message, not Luo's Java applet.

Applicants respectfully request reconsideration of the anticipation rejection of claims 1-27 and look forward to prompt allowance of the application which now further includes claims 28-31. Our Washington DC counsel, Thomas Jackson, Registration No. 29808, has been authorized to request a telephonic or personal interview to further discuss allowability of the present application and pending claims 1-31. Should the Examiner have any questions on this request, the Examiner is urged to contact the undersigned attorney of record at the telephone number and address given.

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The Office is authorized to charge additional claim fees and the fee for a three-month extension totaling $1318 to our deposit account 07-0832. In the event any additional fee or a refund is due, the Office is authorized to debit/credit our deposit account accordingly.

Respectfully submitted,
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